

UNITED STATES DISTRICT COURT

for the
Western District of Texas**FILED**

October 15, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUnited States of America
v.

Stephen Bernard Escalada

*Defendant(s)*BY: M. Ramirez
DEPUTY

Case No. 7:21-MJ-399

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 28, 2021 in the county of Midland, Texas in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18 USC 922(n)

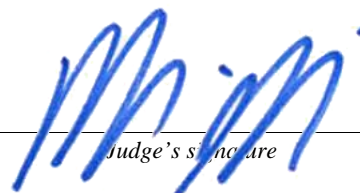
Receipt of a Firearm while under Felony Indictment

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.Attested to by applicant pursuant to Rule
4.1 of Fed. R. Crim. P. by phone & email./s/ Matthew Sedillo*Complainant's signature*Matt Sedillo MPD Detective*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/15/2021City and state: Midland, Texas*Judge's signature*Ronald C. Griffin, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

7:21-MJ-399

I, Matthew Sedillo, a Detective with the Midland Texas Police Department Narcotics Unit, (Midland PD), being duly sworn state:

1. I have successfully completed extensive training emphasizing narcotics investigation and law enforcement. I have been employed by the Midland Texas Police Department as a police officer and detective for approximately 14 1/2 years and I have approximately 10 years of narcotics related investigative experience as a Police Officer of the Midland Police Department. I have completed extensive training emphasizing narcotics investigations and law enforcement. I have further attended training by the Texas Narcotics Officers Association and the United States Drug Enforcement Administration pertaining to the investigation of narcotics related offenses.
2. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information summarized in reports I have reviewed. I have compiled information derived from numerous discussions with experienced law enforcement officers, and detectives of the Midland Police Department. Since this complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known by me in the investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause. Based on the facts cited in the body of this affidavit, I believe that probable cause exists that **Stephen Bernard Escalada**, who having been indicted for a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense of Fraud use/possession of identifying information or items (credit card or debit card abuse)—State Jail Felony – Cause # 20200D06171 on May 19, 2021 in the 120th District Court El Paso, Texas, did willfully receive/possess a firearm that is, a Black LRB Arms AR-15 rifle

(SN# 011237 manufactured in Seymour, Connecticut), said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(n) and 924(a)(1)(D).

3. On September 25, 2021 Officers with Midland Police Department were dispatched to the 700 block of Bronco Court in reference to the complainant stating there was a Hispanic male wearing all black clothing with braided hair who was seen breaking into vehicles. Also, further information was given that the same Hispanic male was seen operating a white GMC pickup.
4. Upon Officers arrival to the above-mentioned area, Officers observed a Hispanic male that matched the above-given description. Officers contacted the individual, who was later identified as Stephen Bernard Escalada. During the contact Officers conducted a pat-down on Escalada's person and located a black SCCY CPX-3 .380 pistol (S/N# A014133, manufactured in Daytona Beach, Florida). Escalada was advised his Miranda Warning and eventually placed under arrest for unlawful carry of a weapon. Escalada was also found to be in possession of some black latex gloves. Other Officers in the area located a white 2015 GMC pickup Texas License plate JCX-1661 parked near the intersection of Buffalo Gap and Bronco Court. Escalada admitted to Officers that the above-mentioned vehicle was the vehicle he was previously operating. Officers searched the white 2015 GMC pickup, due to the odor of Marijuana coming from inside the pickup. A search of the white GMC pickup turned up a small quantity of Marijuana, a small quantity of Cocaine, a bag full of black latex gloves, and several purses and wallets, along with some insurance documents and gas card that belonged to another individual. Officers also spoke with several witnesses, who advised Escalada entered a vehicle on Bronco Court without the owner's consent.
5. Escalada was eventually transported to the Midland Police Department third floor to be interviewed in reference to the above-mentioned incident. During transport Escalada made

the comment to Officers, “When I get out of jail and if I see yall on the street, I will smoke yall niggas”. Officers took the threat as Escalada stating he would kill them if he saw them again. A check of Escalada’s criminal history showed he is currently on deferred felony probation for Fraud use/possession of identifying information or items (credit card or debit card abuse) and was placed on the felony probation on May 19, 2021 in the 120th District Court in El Paso, Texas.

6. Prior to speaking with Escalada, he was advised of the Miranda Warning, which he advised he understood. The following statement from Escalada is a synopsis and not verbatim. Escalada stated the white 2015 GMC pickup he was driving ran out of gas in the neighborhood he resides (Lone Star Trails). Escalada claimed he took the above-mentioned pistol from the glove compartment because he did not want to leave it in the vehicle. Escalada claimed the pistol belonged to his brother-in-law, who he resides with. Escalada claimed he then started walking home to his residence (6729 Ranch Avenue) and that is when he was contacted by Police. Escalada denied ownership of the illegal narcotics located in the white 2015 GMC pickup, but admitted to knowing there was Marijuana in the pickup due to the strong odor of Marijuana. Escalada denied breaking into any vehicles in the area he was contacted. Escalada admitted to knowing he was not supposed to possess or be around firearms or illegal narcotics due to being on felony probation. Escalada admitted to breaking into vehicles in the past, but stated he has not broken into any vehicle since he moved to Midland, Texas approximately ten months ago from El Paso, Texas.
7. Detective Sedillo then spoke with Escalada’s sister and brother-in-law by phone. Both advised they did not own firearms and the black pistol Escalada was caught with did not belong to them. After speaking with Escalada’s sister and brother-in-law, Detective Sedillo again spoke with Escalada. Escalada continued to claim the black pistol belonged to his brother-in-law. Escalada initially denied consent to search his cell phone, but then consented

to a search of his cell phone of his text messages and pictures as long as he was present. A quick search of Escalada's pictures showed multiple videos/pictures of Marijuana and other firearms. In several of the videos/pictures Escalada is holding large amounts of Marijuana and firearms. Escalada was transported to the Midland County Detention Center, where he was booked for burglary of a vehicle, unlawful carry of a weapon, possession of Marijuana less than two ounces, possession of a controlled substance less than 1 gram and two counts of obstruction/retaliation.

8. On September 27, 2021 Detectives obtained a search warrant for Escalada's cell phone in reference to the illegal narcotics and firearms that were previously observed on the cell phone. Upon further search of the cell phone, there are recent pictures and videos from September 17, 2021 to September 20, 2021 showing Escalada in possession of the above-mentioned Black LRB Arms AR-15 rifle, a black pistol, and large amounts of Marijuana that he advertises for sale that appeared to be taken in his bedroom and a bathroom in his residence. Also, some of the pictures containing images of illegal narcotics and firearms, show they were taken inside the residence at 6729 Ranch Avenue, which match the recent pictures taken from September 17, 2021 to September 20, 2021. Based on the images in Escalada's phone, it shows that between January 1, 2021 and September 1, 2021 there were numerous photos of him possessing illegal narcotics and firearms at the aforementioned residence.
9. On September 28, 2021 Sgt. Wilson obtained an arrest warrant for Escalada in reference to another vehicle that he burglarized on September 25, 2021. On September 29, 2021 the Midland Narcotics Unit along with the Midland SWAT Team executed a search warrant at Escalada's residence located at 6729 Ranch Avenue. Prior to the execution of the search warrant, Escalada and his brother-in-law were contacted and detained away from the

residence. During the execution of the search warrant, Officers contacted Escalada's sister and her young baby. A search of the residence turned up the following items:

1. LRB Arms AR-15 rifle with loaded magazine.
 2. Camo Remington AR-15 rifle loaded with magazine.
 3. HK MP5 .22 caliber rifle with 8 loaded magazines.
 4. Approximately 2.809 pounds of Marijuana.
 5. Approximately 70.4 grams of Shrooms.
 6. Five bottles of THC lean.
 7. Approximately 3 grams of Shroom pills.
 8. Several empty plastic bags that had contained Marijuana.
 9. Several firearm accessories & ammunition (scope, bi-pod, optic grip, rifle case, magazines, holster & pistol case).
 10. Several purses & bags containing miscellaneous items that were possibly stolen.
10. Detectives spoke with Escalada after advising him of the Miranda Warning. Escalada admitted to stealing the above-mentioned LRB Arms AR-15 rifle, the Marijuana and Shrooms from a subject named Isaac Luna approximately two-three weeks ago. Escalada admitted to lying about his statement to Detective Sedillo on September 25, in reference to the black SCCY .380 pistol. Escalada stated he purchased the .380 pistol from Isaac Luna approximately three-four months ago for protection. Escalada again admitted to knowing he not supposed to possess or be around firearms or illegal narcotics due to being on felony probation. Escalada claimed he probably did break into vehicles on September 25, 2021, but could not remember due to using Xanax and Cocaine that day.
11. Based on my training, expertise and experience, I believe that probable cause exists that **Stephen Bernard Escalada** who having been indicted for a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense of Fraud

use/possession of identifying information or items (credit card or debit card abuse)– State Jail Felony – Cause # 20200D06171 on May 19, 2021 in the 120th District Court El Paso, Texas, did willfully receive a firearm that is, a Black LRB Arms AR-15 rifle (SN# 011237 manufactured in Seymour, Connecticut), said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(n) and 924(a)(1)(D).

12. The punishment Escalada faces if convicted of the alleged charge in this complaint is a term of imprisonment not to exceed five years; a three-year maximum term of supervised release, a maximum fine of \$250,000; and a \$100 special assessment.
13. United States Attorney Glenn Harwood is aware of this incident and has approved federal prosecution of Escalada.

/s/ Matthew Sedillo
Matthew Sedillo
Narcotics Detective
Midland Police Department

10/15/2021
Date

Attested to by applicant pursuant to Rule
4.1 of Fed. R. Crim. P. by phone & email.

Sworn to and subscribed before me in my presence.


Ronald Griffin
United States Magistrate Judge

10/15/2021
Date